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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MAGLOIRE, VLADIMIR	
ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/902,968	SAMPLE, WILLIAM G.	
	Examiner	Art Unit	
	VLADIMIR MAGLOIRE	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) *2* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see Applicant Arguments, filed 8/28/2008, with respect to the rejection(s) of claim(s) 1-37 under Briffe and Henderson have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schwob (US 5,393,713).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-14, 16-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwob (US 5,393,713).

Consider claim 1, Schwob discloses a device **(see Schwob, Abstract)**, comprising: a database of radio frequency information stored as a function of radio frequency **(see Schwob, Col 11 lines 35 to 55, Col 14 lines 47 to 67, Col 15 lines 1 to 30, discloses a database of frequencies arranged based on the AM/FM frequency band, therefore the frequency information is stored as a function of frequency)**; and a circuit coupled to the database **(see Schwob, fig. 7 steps 306-310)** and operating one or more algorithms for accessing the database as a function of an input radio frequency signal and generating a display signal as a function of an input radio frequency signal and a position signal **(see Schwob, inherently discloses an**

algorithm for information retrieval of an input signal in fig. 7 steps 304 and step "display station data" displays the frequency and station frequency and position information, as shown in fig. 5 and Col 12 lines 66 to 67, Col 13 lines 1 to 67).

Consider claim 5, Schwob discloses an aircraft frequency identifier device **(Schwob discloses an Aircraft frequency identifier structure as defined by the current claim, shown in what follows)**, comprising: a database of stored radio frequency information **(see Schwob, Col 11 lines 23 to 54)**; and a processor coupled to the database and operating one or more algorithms for generating a display signal as a function of an input radio frequency signal and a position signal **(see Schwob, fig. 1, fig. 7, Col 11 lines 35 to 55)**.

Consider claim 10, Schwob discloses a device **(see Schwob, Abstract)**, comprising: a database of radio frequency information stored as a function of radio frequency and position **(see Schwob, Col 11 lines 35 to 55, Col 14 lines 47 to 67, Col 15 lines 1 to 30, discloses a database of frequencies arranged based on the AM/FM frequency band, therefore the frequency information is stored as a function of frequency)**; and a processor having a first input structured to receive a signal indicative of an input radio frequency and a second input structured to receive a signal indicative of position **(see Schwob, fig. 1. item Col 11 lines 44 to 46, discloses a processor structured to receive position information and Col 12 lines 56 to 64, discloses receiving an input radio frequency. Based on fig. 1 frequency information and position information have two different paths to the "control mod")**, the processor coupled to the database **(see Schwob, fig. 1 discloses control**

mod coupled to the CPU and ROM, which contains the database of the device) and operating one or more algorithms for retrieving a portion of the radio frequency information as a function of a signal indicative of an input radio frequency received on the first input and a signal indicative of position received on the second input **(see Schwob, inherently discloses an algorithm for information retrieval of an input signal in fig. 7 steps 304 and step "display station data" displays the frequency and station frequency and position information, as shown in fig. 5 and Col 12 lines 66 to 67, Col 13 lines 1 to 67)**.

Consider claim 16, Schwob discloses an aircraft frequency identifier **(Schwob discloses an Aircraft frequency identifier structure as defined by the current claim, shown in what follows)**, comprising: a means for storing radio frequency information **(see Schwob, Col 11 lines 23 to 55)**; an accessing means, coupled to the storing means, for accessing the stored radio frequency information as a function of an input radio frequency signal and a position signal **(see Schwob, fig. 7 steps 306-310)**; and an output signal generating means signal **(see Schwob, fig. 1, fig. 7 steps 306-310 and "display station data")**, coupled to the accessing means, for generating an output signal as a function of the accessed radio frequency information **(see Schwob, fig. 1, fig. 7 steps 306-310 and "display station data")**.

Consider claim 22, Schwob discloses a device, comprising: database means for storing radio frequency information as a function of radio frequency and position **(see Schwob, Col 11 lines 23 to 55)**; and processor means for receiving a first signal indicative of an input radio frequency and a second signal indicative of position **(see**

Schwob, fig. 1. item Col 11 lines 44 to 46, discloses a processor structured to receive position information and Col 12 lines 56 to 64, discloses receiving an input radio frequency. Based on fig. 1 frequency information and position information have two different paths to the "control mod"), the processor means coupled to the database means for retrieving a portion of the radio frequency information as a function of a first signal indicative of an input radio frequency and a second signal indicative of position **(see Schwob, Col 9 lines 10 to 34, Col 11 lines 5 to 55, Col 5 lines 15 to 67).**

Regarding claim 26, the limitations have been analyzed in claim 16.

Regarding claim 32, the limitations have been analyzed in claim 16 and 10.

Consider claim 36, Schwob discloses a method of providing information to a user **(see Schwob, Abstract)**, the method comprising: manually tuning a radio to a desired frequency **(see Schwob, Col 5 lines 15 to 20, Col 6 lines 25 to 38)**; receiving position information **(see Schwob, Col 11 lines 43 to 47)**; accessing a database having information corresponding to multiple frequencies **(see Schwob, Col 11 lines 40 to 43)**, wherein a subset of such information associated with the manually tuned frequency at the received position is retrieved as function of the manually tuned frequency and the position information **(see Schwob, Col 11 lines 35 to 54)**; and displaying the subset of information in conjunction with the manually tuned frequency **(see Schwob, fig. 7 steps 300 to 312 and "display station data").**

Consider claim 37, Schwob discloses a method of providing information to a user **(see Schwob, Abstract)**, the method comprising: manually tuning a radio to a desired

frequency **(see Schwob, Col 5 lines 15 to 20, Col 6 lines 25 to 38)**; receiving position information **(see Schwob, Col 11 lines 43 to 47)**; accessing a database having radio frequency information corresponding to multiple frequencies at various locations **(see Schwob, Col 11 lines 35 to 43)**, wherein a subset of such radio frequency information associated with the manually tuned frequency at the received position is retrieved as function of the manually tuned frequency and the position information **(see Schwob, Col 11 lines 35 to 54)**; and displaying the subset of radio frequency information in conjunction with the manually tuned frequency **(see Schwob, fig. 7 steps 300 to 312 and "display station data")**.

Consider claim 3, Schwob discloses the device of claim 1, further comprising a display coupled to the circuit, the display structured to receive the display signal and display the radio frequency information **(see Schwob, fig. 1 item 8 and fig. 2-3)**.

Consider claim 4, Schwob discloses the device of claim 1, wherein the circuit is a processor **(see Schwob, fig. 1 "control Mod")**.

Consider claim 6, Schwob discloses the device of claim 5 wherein the one or more algorithms operated by the processor access the database as a function of an input radio frequency signal and a position signal **(see Schwob, fig. 7 and 8)**.

Consider claim 7, Schwob discloses the device of claim 6 wherein the one or more algorithms operated by the processor retrieve from the database a portion of the radio frequency information corresponding to an input radio frequency signal and a position signal **(see Schwob, fig. 7 and 8)**.

Consider claim 8, Schwob discloses the device of claim 7, further comprising a display coupled to the processor for receiving the display signal and generating a display as a function thereof **(see Schwob, fig. 1 and 7)**.

Consider claim 9, Schwob discloses the device of claim 8, further comprising a control device structured to input a radio frequency to one of the processor and the display **(see Schwob, col 6 lines 25 to 38)**.

Consider claim 11, Schwob discloses the device of claim 10 wherein the processor further operates one or more algorithms for generating a display signal indicative of the portion of the retrieved radio frequency information **(see Schwob, fig. 7)**.

Consider claim 12, Schwob discloses the device of claim 11, further comprising a display coupled to receive the display signal **(see Schwob, fig. 1)**.

Consider claim 13, Schwob discloses the device of claim 11, further comprising a control device coupled to the first input of the processor and structured to input a radio frequency to the processor **(see Schwob, Col 6 lines 25 to 38)**.

Consider claim 14, Schwob discloses the device of claim 11, further comprising a control device coupled to the first input of the processor and structured to input a radio frequency to the display **(see Schwob, Col 6 lines 25 to 66)**.

Consider claim 17, Schwob discloses the device of claim 16 wherein the means for storing radio frequency information includes means for storing the radio frequency information in a look-up table **(see Schwob, Col 11 lines 35 to 55)**.

Consider claim 18, Schwob discloses the device of claim 17 wherein the accessing means includes a means for operating one or more algorithms for retrieving the radio frequency information from a look-up table **(see Schwob, Col 11 lines 35 to 55)**.

Consider claim 19, Schwob discloses the device of claim 16, further including receiving means, coupled to the output signal generating means, for receiving the output signal **(see Schwob, fig. 1)**.

Consider claim 20, Schwob discloses the device of claim 19, further including displaying means, coupled to the output signal receiving means, for displaying the accessed radio frequency information **(see Schwob, fig. 1 and 7)**.

Consider claim 21, Schwob discloses the device of claim 16, further including signal inputting means, coupled to the output signal accessing means, for inputting a radio frequency signal **(see Schwob, Col 6 lines 25 to 66, fig. 1)**.

Consider claim 23, Schwob discloses the device of claim 22 wherein the processor means for retrieving a portion of the radio frequency information further includes processor means for operating one or more algorithms for retrieving a portion of the radio frequency information **(see Schwob, fig. 7 and 8)**.

Consider claim 24, Schwob discloses the device of claim 23 wherein the processor means further includes signal generating means for generating a signal indicative of the portion of the radio frequency information retrieved by the processor means **(see Schwob, fig. 7)**.

Consider claim 25, Schwob discloses the device of claim 24, further comprising display means, coupled to the processor means, for receiving the signal indicative of the portion of the radio frequency information and displaying the portion of the radio frequency information **(see Schwob, fig. 7 and 1)**.

Consider claim 27, Schwob discloses the method of claim 26 wherein the storing radio frequency information includes storing the radio frequency information in a look-up table **(see Schwob, Col 11 lines 35 to 55)**.

Consider claim 28, Schwob discloses the method of claim 27 wherein the accessing the stored radio frequency information includes operating one or more algorithms for retrieving the radio frequency information from a look-up table **(see Schwob, fig. 7, Col 11 lines 35 to 55)**.

Consider claim 29, Schwob discloses the method of claim 26, further including receiving the output signal the output signal and displaying the accessed radio frequency information **(see Schwob, fig. 7)**.

Consider claim 30, Schwob discloses the method of claim 26, further including inputting a radio frequency signal for use in the accessing the stored radio frequency information **(see Schwob, fig. 7, Col 6 lines 25 to 66)**.

Consider claim 31, Schwob discloses the method of claim 30, further including inputting a position signal for use in the accessing the stored radio frequency information **(see Schwob, Col 11 lines 44 to 47)**.

Consider claim 33, Schwob discloses the method of claim 32 wherein the retrieving a portion of the radio frequency information further includes operating one or

more algorithms for retrieving a portion of the radio frequency information **(see Schwob, fig. 7)**.

Consider claim 34, Schwob discloses the method of claim 33, further including generating a signal indicative of the portion of the retrieved portion of the radio frequency information **(see Schwob, fig. 7)**.

Consider claim 35, Schwob discloses the method of claim 34, receiving the signal indicative of the retrieved portion of the radio frequency information and displaying the retrieved portion of the radio frequency information **(see Schwob, fig. 7)**.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwob.

Consider claim 15, Schwob does not specifically discloses the device of claim 11 wherein the second input of the processor is structured to receive an output signal of a global positioning system that is indicative of position.

Given that GPS was a well known technique used to determine position in radio systems, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schwob by specifying the second input of the processor is structured to receive an output signal of a global positioning system that is indicative of position.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VLADIMIR MAGLOIRE whose telephone number is (571)270-5144. The examiner can normally be reached on Monday to Thursday, 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617

/Vladimir Magloire/
Examiner, Art Unit 2617 2/7/2009